

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
February 8, 2005**

Place: Room 119
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Spain, Kenny, Forman, Conze, Bigelow

STAFF ATTENDING: Ginsberg, Keating
COURT RECORDER: Beler

The meeting was called to order at 8:00 p.m. by Mr. Damanti.

GENERAL MEETING

Amendment of Business Site Plan #90-I, Darien Sport Shop, 1127 Boston Post Road

Proposed 114 square foot addition to the existing entry vestibule, two new bay windows south of the vestibule, and one new display window north of the vestibule.

Howard Patterson of Patterson Bigosinski Architects was present representing the Darien Sport Shop. There was discussion on whether the Commission would be requiring a Public Hearing on this request. Ms. Gina Reilly, General Manager and Vice President of the Darien Sport Shop, was also present. The Darien Sport Shop is looking to expand the vestibule near the parking lot entry of the store. They would expand a total of 114 square feet. The vestibule has automatic door which do not open and close together, which creates a problem with heat loss or gain. The existing entry is very small 5' x 10' x 8'8". They would like to push them out, adding another five feet to the existing space. They would add two bay/display windows to match the existing windows in the Sport Shop.

Mr. Spain then asked if there would be a change or addition to the existing retail space. Ms. Reilly then said that they wished to beautify the parking lot to establish a much nicer building façade facing where cars are parked. There would be a new copper roof and the "D" sign would be moved over. Mr. Spain then confirmed that this would only be a display window and not adding any retail space to the existing floor. Mr. Patterson confirmed that no additional retail space would be added—only an expansion of space of the existing vestibule, and new bay windows. Mr. Damanti then said that if all Commission members were in agreement that the proposed addition was relatively minor, that the Commission could waive the requirement for an amendment of the business site plan for the property. All Commission members agreed that there was no need for a public hearing for such a minor request, which does not expand the retail space within the building. The request was approved.

Business Site Plan/Special Permit, Dolman Properties, 22 Grove Street.

Informal discussion regarding required application materials for future application for conversion of existing residence to a real estate office at 22 Grove Street.

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Mr. Dan Dolcetti was present on behalf of Dolman Properties regarding the property formerly owned by Tarnowsky at 22 Grove Street. William Pitt Real Estate would like to use this former residence as an auxiliary office, converting it from residential to commercial use. The first floor of the building contains approximately 700-900 square feet. Mr. Spain then asked if this was the last building on the street. Mr. Dolcetti replied that it was. Mr. Dolcetti stated that the real estate office would really need no parking, since it would be a low volume usage office and that there would be no residential use of the building.

Mr. Kevin Quick, Sales Manager for William Pitt Real Estate, then distributed a letter of interest in the property. He then went on to say that William Pitt had recently merged with Sotheby's. He also stated that there were parking spaces on the property for three cars. They are proposing to put a new roof, paint, carpet, install central air conditioning, and install new blue shutters.

Mr. Damanti then asked what size the real estate office was. Mr. Quick replied that there was a small staff and that they would see clients there. The real estate office would be there by Special Permit. A Business Site Plan, Special Permit, and variance from the Zoning Board of Appeals are needed to convert from residential to commercial use.

Mr. Conze stated that the current owner would just like to put a tenant in and not go through the lengthy process of residential to business conversion. Since this building is the last piece in the puzzle, he thinks this use is a good idea. Mr. Ginsberg then mentioned that the Zoning Regulations discourage occupancies by first floor real estate offices in the CBD Zone.

Mrs. Forman asked what exactly why a Special Permit was required. Mr. Ginsberg replied that this Special Permit was for real estate office use on the first floor of buildings in the CBD Zone.

Mr. Damanti then replied that the Commission would be very clear about the use of this property – only for real estate office. Mr. Keating and Mr. Damanti then confirmed that this is a sales office where they would be meeting clients. Mr. Spain added that this was a strength of synergy argument. Mr. Damanti stated that the Commission could not and should not change the timeline of the regulatory process when the use of a building changes.

Mr. Dolcetti then stated that the lengthy process to obtain necessary permits and/or change regulations scares prospective tenants or buyers away when considering the lease or purchase of properties such as this one. Mr. Spain then asked whether the Commission could make the approval process more efficient and speed it up in any way. Mr. Damanti also mentioned the shared parking agreements between all properties in the area. Mr. Damanti then strongly advised Mr. Dolcetti to get all required applications in for this conversion of this building submitted as soon as possible to the Planning and Zoning Office.

Approval of Minutes

January 25, 2005 Public Hearing/General Meeting

There was a correction on the minutes to be “only one parcel on property” as stated by Mrs. Forman. There was also a correction regarding Mr. Hennessey's Traffic Report for Stamford Diagnostic Center—“will continue hearing at **another** meeting”. Mr. Bigelow moved to approve

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the minutes as amended (with changes to pages 2 and 6). Mr. Kenny seconded the motion, which was unanimously approved.

At 8:30 P.M., Mr. Damanti read the public hearing item:

Mandatory Referral, Tokeneke Elementary School, 7 Old Farm Road.

Proposal to demolish existing school and construct new school, relocate existing parking, modify existing ball fields, and perform related site development activities. The subject property is located on the southeast corner formed by the intersection of Old Farm Road and Tokeneke Road, and is shown on Assessor's Map #65 as Lot #23, in the R-1 Zone.

Bruce Hill, Chairman of the Building Committee, Mr. Ryzard Szczypek, Randall Luther and other representatives from Tai Soo Kim Architects were present at the meeting. Also present were Enid Oresman, Steve Pomponio, and various members of the school Building Committee. Mr. Damanti stated that a mandatory referral meant that a report would be rendered by the Commission, and not a resolution. Mr. Hill said that a second funding request for the project was submitted yesterday evening. There is a June 2005 deadline to the State of Connecticut for funding for this project. This school conforms to use in this area and a request for a filling and regarding permit will also be done at a later date.

Mr. Szczypek then made a slide presentation of what actually will be done and what the new Tokeneke School would look like. The existing Tokeneke Elementary School will be demolished and replaced with a new one. The old school is a California-style building built around courtyards, but is now "worn out". The Gym is in a wetlands area and will be removed. The Totem Pole and Big Rock will be incorporated into new school design for sentimental reasons.

The existing school will be kept operating while building a new one. There will be fences around grassy play areas to protect children from construction sites. There will be a play area with a ball field where the old school used to be. There will be a parking area with ninety spaces and a bus loop which will accommodate seven to eight school buses.

Mr. Kenny then explained his concern for truck traffic on Route 136. He asked whether there would be deliveries and service vehicles interfering with the bus loop to go out onto Tokeneke Road. He also was concerned with traffic signals, the proposed curb cut, and the many trucks on this route. He wanted to know if there had been any discussion with the State D.O.T. on this matter. Mr. Hill mentioned that there were preliminary discussions only. He also stated that even if they increased parking off Old Farm Road by taking down old trees, there would not be that many more parking spaces. Essentially there is really no change in the number of spaces from what now exists.

Mr. Conze then asked what the current enrollment of Tokeneke School is. Mr. Hill replied that the enrollment was at 430 students and that the configuration of the new school would allow room for expansion if the school population increases.

Mr. Kenny then asked if there was room for a Town swimming pool on-site. Mr. Hill replied that no, there wasn't, because the site is very tight with no room or extra spaces for fields or a pool because of the presence of wetlands on the property.

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Mr. Spain had safety concerns with Tokeneke School facing out onto Tokeneke Road. He wanted to know if the delivery/service area was fenced off from the play area where children would be.

Mr. Kenny had a concern with noise and pollution and what was being done to protect the educational environment. Mr. Hill replied that the new windows will deaden sound, the school is fully air conditioned with no need to open windows in hot weather or for ventilation, as well as air quality in the building being improved. The new windows supply natural light and noise control. Mr. Kenny wanted to know how they were going to control the noise/decibel level and were there any guidelines on this. Mr. Hill replied they were not measured yet, but that an acoustics expert will come in to measure the noise from different angles.

Mr. Conze wanted to know how the construction traffic was going to be managed while this project was going on in a very busy area. Mr. Hill stated that they would work with construction people to control the flow and construction storage and stockpile areas. Mr. Conze then reiterated the consideration of addressing the traffic problems near the school and that they must be diligent in how to approach and carry out traffic control. Mr. Hill then stated that the phasing plan of this project was very important and that temporary driveways, fencing, etc. is taken very seriously when planning the construction phase.

Mr. Damanti then asked when construction would begin on this school. Mr. Hill stated it would start August or September 2006, providing there were no delays with bidding, a referendum, etc. Mr. Hill added that the sooner construction begins, the better, since construction costs escalate as time increases.

Mr. Conze then brought up whether they would be discussing the Norwalk traffic on Tokeneke Road with the state D.O.T. and the problem of Norwalk businesses such as UPS using Tokeneke Road.

Mr. Conze asked how many workers would be on the construction side at one time. Mr. Hill replied that at its peak, probably twenty to thirty workers, with an average of fifteen to twenty most of the time.

Mr. Hill then went on to say that the second story of the building cannot have kindergarten or first grade on that level. The new school would be 67,000 square feet, with 20,000 being on second floor. Mr. Spain asked how this compared to other elementary schools in Darien. Mr. Hill replied that there were no comparisons done. He also stated that cast stone was being used as a building material, which required no maintenance. Mr. Szczypek stated that the building should last a lifetime, 75 years. The school will be done in a buff colored stone.

Mr. Conze then added that Tokeneke School was just renovated ten years ago, and are we going to be rebuilding all the elementary schools? Is the Town considering another five projects down the road. The Board of Education must address this to the Commission.

Mr. Hill replied that the other elementary schools in Darien are not in such dire need of renovation and that the design of Tokeneke School simply does not work. Mr. Conze then reiterated his concern of how does this fit and where is it all going with regard to other schools. Mr. Hill then added that the maintenance of a substandard school would be a drain on town finances.

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Mr. Kenny then stated that the square footage per pupil would be a 50% increase per pupil, with 430 students enrolled. How does this fit in with other schools and how would parents take this if other schools don't measure up to it? Mr. Hill answered that the Board of Education generated a square footage requirement in the 1990s. Parity is an important element. The education specifications are very specific. Mr. Kenny wanted to know regarding these education specifications whether anything was learned from the early 1990s for the high school.

Mr. Hill stated that the classroom issue was one thing. The design of an L-Shaped classroom was not a good one regarding optimum usage of space. Another issue was infrastructure problems with the 1990's schools in regard to energy and insulation concerns and that these had been addressed in all new school construction. Mr. Damanti asked if the heating costs of these new buildings would be any better. Mr. Hill replied that he did not know.

Mr. Kenny asked if any grant programs had been looked into that would pay toward using new technologies, such as solar panels. Mr. Hill replied that he would be willing to look into these grants.

There being no other questions or comments, Mr. Conze made a motion to close the public hearing on this mandatory referral and have discussion on this at a later time and/or date. Mr. Bigelow seconded that motion, which was unanimously approved.

At 9:55 pm, the Commission went into a General Meeting. The first item was:

Coastal Site Plan Review #197-A, Land Filling & Regrading Application #131-A, David Mangini and Casey Elliot, 40 Goodwives River Road. Proposing to construct a new residence with associated septic system, remove kitchen from existing cottage, fill and regrade portions of the property, and perform related site development activities within a regulated area. Subject property is located on the east side of Goodwives River Road approximately 1,200 feet south of its intersection with Old King's Highway South, and is shown on Assessor's Map #63 as Lot #106-A, R-1 Zone.

The Commission waived the reading of all of the resolutions aloud. Mr. Damanti noted that the draft resolution grants the application with stipulations. Mrs. Forman moved to approve this resolution, and Mr. Kenny seconded that motion. It was approved by a vote of 5-0, with one abstention, Mr. Conze, who abstained because he was not at the public hearing on this matter.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 8, 2005**

Application Number: Coastal Site Plan Review #197-A
Land Filling & Regrading Application #131-A

Street Address: 40 Goodwives River Road
Tax Assessor's Map #63 Lot #106-A

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Name and Address of Applicant: David Mangini/Casey Elliot
Applicant's Representative: Somerset Builders
385 Brookside Road
Fairfield CT 06824

Name and Address of Property Owner: Bonnie Tweedy
38 Goodwives River Road
Darien, CT 06820

Activity Being Applied For: Proposing to construct a new residence with associated septic system, remove kitchen from existing cottage, fill and regrade portions of the property, and perform related site development activities within a regulated area.

Property Location: Subject property is located on the east side of Goodwives River Road approximately 1,200 feet south of its intersection with Old King's Highway South.

Zone: R-1

Date of Public Hearing: January 25, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: January 13 & 20, 2005

Newspaper: Darien News-Review

Date of Action: February 8, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
February 17, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

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1. The request is to construct a new residence with associated septic system, remove the kitchen from the existing cottage, fill and regrade portions of the property, and perform related site development activities within a regulated area. The Darien Health Department has approved the plans for the new septic system.
2. The applicants propose a Conservation Easement over the portion of property immediately adjacent to Gorham's Pond.
3. The applicants have noted within the application materials that "...should sewer services be available at the time of construction we would forego the septic system and tie in." (Source: Dec 7, 2004 Construction Narrative).
4. The Environmental Protection Commission approved this application in EPC 100-2004 on January 5, 2005. That approval is hereby incorporated by reference.
5. During the public hearing on this matter, it was noted that the submitted Zoning Data Chart dated December 6, 2004 was incorrect. The maximum height of the proposed residence shall be less than thirty feet (< 30 feet, not > 30 feet as incorrectly stated in the chart).
6. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
7. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
8. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
9. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
10. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
11. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures that would mitigate any adverse impacts by the proposed activity on coastal resources.
12. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

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NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #197-A and Land Filling and Regrading Application #131-A are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and filling and regrading shall be in accordance with the submitted plans reviewed by the Commission entitled:
 - Proposed Residence Site Plan, Somerset Builders, 40 Goodwives River Road, by Grumman Engineering, LLC, dated 06-08-04, and last revised 12-06-04, Sheet 1 of 3.
 - Proposed Residence Grading & Erosion Control Plan, Somerset Builders, 40 Goodwives River Road, by Grumman Engineering, LLC, dated 8-18-04, and last revised 12-06-04, Sheet 2 of 3.
 - Details & Notes, Somerset Builders, 40 Goodwives River Road, by Grumman Engineering, LLC, dated 06-08-04, and last revised 11-30-04, Sheet 3 of 3.
 - Proposed Residence for Somerset Builders, 40 Goodwives River Road, dated 11/30/04, Sheets PZ-1r, PZ-2r, PZ-3r, and PZ-4.
- B. The Conservation Easement shall be reviewed by the Planning and Zoning Director and Town Counsel prior to its filing in the Darien Land Records. Once the Conservation Easement has been filed, the applicant may apply for the necessary Zoning and Building Permits to proceed with construction of the new residence.
- C. Should sewer services be available at the time of the application for a Zoning and Building Permit for construction of the new residence, the applicant shall forego the septic system and tie in to the public sewer system along Goodwives River Road.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. Because of the minor nature of the land filling and regrading portion of this project, a performance bond for the filling and regrading is hereby waived.
- F. A final "as-built" survey is hereby required to certify that the site improvements adjacent to the coastal recourses are all in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that the work has been properly completed.
- G. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, a street opening permit from the Darien Public Works Department.

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- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- I. This permit shall be subject to the provisions of Sections 815 and 1009 of the Darien Zoning Regulations, including but not limited to, submission of certification that the work has been completed in conformance with the permit, and implementation of the approved plans for site work, regrading, and septic system installation within one year of this action (by February 7, 2006). This may be extended as per Section 815 and 1009.

All provisions and details of the plan, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

2005 Town Plan of Conservation & Development

Marian Castell and Judy Groppa spoke regarding the draft Historic Resources Chapter of the 2005 Town Plan of Conservation & Development. There was a question regarding the map in the Appendix of this Plan showing the Boston Post Road Historic Area. Mr. Damanti questioned why the Commission would not put a map in. Mr. Conze and Mr. Damanti stated that a map should be included and updated.

A discussion was held regarding the preservation of neighborhoods as well as putting a listing of house numbers that are on the National Register of Historical Homes. There should be a neighborhood preservation with village districts, town landmarks, scenic roads, etc. Mrs. Forman suggested putting a reference section in the Appendix for these.

Rings End Road and Prospect Avenue could be included in local historic districts. Mr. Conze then stated that this designation affects the marketability of a property and it could be a tough sell. Ms. Groppa stated that it also protects the value of the property. Mrs. Forman asked if there was now a policy regarding this, was something already in place, or if they had any recommendations. Ms. Groppa answered that no, there were none in place right now. There were no specifics for streets, houses, etc. She also thought that people living in these neighborhoods should form these districts and publicize it, as well as encouraging people in other like districts to do the same with structures identified as being historic. There could potentially be tax benefits to doing this as well as regulatory recommendations. Mr. Kenny then thanked Ms. Castell and Ms. Groppa for providing their input into to the Town Plan.

Ms. Groppa then asked the Commission how they were dealing with the downtown area of Darien and the Architectural Review Board, and what we would like downtown to look like in ten years.

The Commission discussed that they should have guidelines to how a building should look to be more uniform with the look of the Town. It was mentioned that this is always a problem, especially with new banks going in who have their own brand of architecture or "statement." There should be guidelines for setbacks, and the architects should have standards to at least fit in. There

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is also the problem of having nowhere to walk, including the inconvenience of walking in downtown since it is bisected by the railroad tracks, and people do not want to walk under the train tracks. It was agreed that the area under the tracks can be beautified.

Mr. Conze mentioned that there is a certain standard we are looking for and that the Commission should establish informal guidelines. Ms. Groppa also believed that the Commission should, to effect change, set standards, and that the real need is for the town to stipulate how they want things built. She suggested that maybe the Downtown Task Force and the Main Street Task Force get together to discuss this issue.

Coastal Site Plan Review #109-A, Land Filling & Regrading Application #136, Ralph & Gail Reynolds, 104 Delafield Island Road. Proposing to raze the existing residence and pool, construct a new single-family residence, pool, bathhouse and septic system, and perform related site development activities within a regulated area. The subject property is located on the west side of Delafield Island Road approximately 1560 feet south of its intersection with Raider's Lane, and is shown on Assessor's Map #70 as Lot #40, R-1 Zone.

Mr. Bigelow made a motion to adopt the resolution as drafted. That motion was seconded by Mr. Kenny. The Commission then adopted the resolution by a vote of 5-0, with Mr. Conze abstaining, since he was not at the public hearing. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 8, 2005**

Application Number: Coastal Site Plan Review #109-A
Land Filling & Regrading Application #136

Street Address: 104 Delafield Island Road
Tax Assessor's Map #70 Lot #40

Name and Address of Property Owner:
And Applicant: Ralph & Gail Reynolds
c/o PMB 308
25 Old King's Highway North
Darien, CT 06820

Name and Address of
Applicant's Representative: Scott Raissis
Thompson Raissis Architects, LLC
One Dock Street, Suite 300
Stamford, CT 06902

Activity Being Applied For: Proposing to raze the existing residence and pool, construct a new single-family residence, pool, bathhouse and septic system, and perform related site development activities within a regulated area.

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Property Location: The subject property is located on the west side of Delafield Island Road approximately 1560 feet south of its intersection with Raider's Lane.

Zone: R-1

Date of Public Hearing: January 25, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: January 13 & 20, 2005

Newspaper: Darien News-Review

Date of Action: February 8, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:

February 17, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The request is to demolish existing residence and construct a new single-family residence, swimming pool, and septic system and perform related site development activities within regulated areas. The existing house has seven bedrooms and is proposed to be demolished. The new residence will have eight bedrooms and a new septic system.
2. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
3. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.
4. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the

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activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

5. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
6. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
7. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures that would mitigate any adverse impacts by the proposed activity on coastal resources.
8. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #109-A and Land Filling and Regrading Application #136 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction and filling and regrading shall be in accordance with the plans reviewed by the Commission entitled:
 - Site Plan prepared for Reynolds Residence 104 Delafield Island Road, scale 1"=20', by John R. Martucci, PE, dated November 15, 2004 and issued to Planning & Zoning – CAM Review January 25, 2005, Sheet 1 of 2.
 - Notes & Details prepared for Reynolds Residence 104 Delafield Island Road, scale as noted, by John R. Martucci, PE, dated November 15, 2004 and issued to Planning & Zoning – CAM Review January 25, 2005, Sheet 2 of 2.
 - Reynolds Residence 104 Delafield Island Road, by Thompson Raissis Architects, LLC, Sheets A-1 through A-4.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. Because of the minor nature of the land filling and regrading portion of this project, a performance bond for the filling and regrading is hereby waived.

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- D. During the public hearing, the applicant acknowledged that some blasting of ledge will be necessary for this project. A Blasting Permit from the Fire Marshal will be required prior to any blasting.
- E. A final "as-built" survey is hereby required to certify that the site improvements adjacent to the coastal recourses are all in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that the work has been properly completed.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, final approval from the Darien Health Department.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Sections 815 and 1009 of the Darien Zoning Regulations, including but not limited to, submission of certification that the work has been completed in conformance with the permit, and implementation of the approved plans for site work, regrading, and septic system installation within twelve (12 months) of this action (by February 7, 2006). This may be extended per Sections 815 and 1009.

All provisions and details of the plan, as required to be revised herein, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

Coastal Site Plan Review #201, Joan Barksdale, 27 Tokeneke Trail. Proposing to remove existing poolhouse, swimming pool and terrace, and modify the existing driveway and construct a new garage/studio and perform related site development activities within a regulated area. The subject property is located on the south side of Tokeneke Trail approximately 750 feet southwest of its intersection with Runkenhage Road, and is shown on Assessor's Map #69 as Lot #40, R-1 Zone.

Ms. Forman made a motion to adopt the resolution as written. That motion was seconded by Mr. Kenny. The Commission then adopted the resolution by a vote of 5-0. Mr. Conze abstained, as he was not at the public hearing. The Adopted Resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 8, 2005**

Application Number: Coastal Site Plan Review #201

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Street Address: 27 Tokeneke Trail
Tax Assessor's Map #69 Lot #40

Name and Address of
Property Owner: Joan Barksdale
15 Edgehill Road
Darien, CT 06820

Name and Address of Applicant &
Applicant's Representative: Sean O'Kane, AIA
412 Main Street #8
Ridgefield, CT 06877

Activity Being Applied For: Proposing to remove existing poolhouse, swimming pool and terrace, and modify the existing driveway and construct a new garage/studio and perform related site development activities within a regulated area.

Property Location: The subject property is located on the south side of Tokeneke Trail approximately 750 feet southwest of its intersection with Runkenhage Road.

Zone: R-1

Date of Public Hearing: January 25, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: January 13 & 20, 2005

Newspaper: Darien News-Review

Date of Action: February 8, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
February 17, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 810 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to remove the existing poolhouse, swimming pool and terrace, and modify the existing driveway and construct a new garage/studio and perform related site development activities within a regulated area. Also as part of this project, existing above-ground utilities will be placed underground.
2. It was noted during the public hearing that the removal of the existing poolhouse will occur from the uphill side, due to the presence of tidal wetlands on the downhill side.
3. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
4. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
5. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
6. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures, which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #201 is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The proposed activities shall be in accordance with the plans submitted to and reviewed by the Commission, as required to be modified herein:
 - Coastal Area Management Plan, Joan Barksdale, 27 Tokeneke Trail, by Land-Tech Consultants, Inc., scale 1"=30', dated 12/16/04.
- B. The applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the relocation of the water line and until the area has been revegetated and restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

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- C. A final “as-built” drawing prepared by the project architect is hereby required, along with written verification by the architect, to certify that the site improvements adjacent to the coastal recourses are all in compliance with the approved plans.
- D. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. This permit shall be subject to the provisions of Section 815 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (February 7, 2006). This may be extended as per Section 815.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Mandatory Referral, Tokeneke Elementary School, 7 Old Farm Road.

Proposal to demolish existing school and construct new school, relocate existing parking, modify existing ball fields, and perform related site development activities. The subject property is located on the southeast corner formed by the intersection of Old Farm Road and Tokeneke Road, and is shown on Assessor’s Map #65 as Lot #23, in the R-1 Zone.

Commission members agreed that the Planning & Zoning Commission should draft a letter to the Board of Education regarding the 2005 Town Plan. It was suggested that it may be beneficial for the Board of Education to come before the Planning & Zoning Commission to discuss long-range issues. Mr. Damanti asked that the Commission schedule a Special Meeting next Tuesday at 8:00 P.M. to discuss the Mandatory Referral, and possibly issue its report. All Commission members agreed, and Mr. Damanti confirmed that this would be the only item on that Special Meeting agenda.

Resubdivision Application #562-A, Robert & Elizabeth Cole, 865 Hollow Tree Ridge Road.

It was noted that EMS, Fire, and Police will service this property and the property owner will have the address posted clearly. Staff was instructed to draft a resolution for future consideration.

Amendment of Business Site Plan #223, 390 Post Road, LLC, proposed tenant Roundabout Designer Consignments and Closeouts, LLC, 1089 Boston Post Road.

Commission members briefly discussed the application. The Commission noted that the ZBA had recently granted a variance for the project. Staff was instructed to draft a resolution for late February or early March.

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There being no other business, Mr. Spain made a motion to adjourn the meeting. Mr. Kenny seconded that motion, which was unanimously approved. The meeting was then adjourned at 11:00 PM.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

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